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1 EPA document says government knew about contamination at Camp Minden in 1989, WatchDog, 1/21/2015

<http://watchdog.org/194298/camp-minden/>

Government officials knew as far back as 1989 that explosive material stored at Camp Minden had already contaminated soil, surface water and groundwater around the plant, according to a memo written last summer. As reported, Environmental Protection Agency officials plan to burn 15 million pounds of M6 propellant explosives at the plant, originally designed for military use, into the northern Louisiana atmosphere.

2 – Flournoy: Everyone should be trying to stop Camp Minden burn, Shreveport Times, 1/20/2015

<http://www.shreveporttimes.com/story/opinion/readers/2015/01/20/flournoy-everyone-trying-stop-camp-minden-burn/22046675/>

That the EPA is planning for Camp Minden and the citizens of north Louisiana is in great contrast to their statements on the website. The EPA has decided that the 15 million pounds of propellant, improperly stored and abandoned, can be burned in the very near future at Camp Minden by a technique called open-tray burning. This technique is nothing more than putting the propellant on a tray and burning the chemicals in open air.

3 – Keystone XL pipeline developer takes steps to seize land in Nebraska, Guardian, 1/20/2015

<http://www.theguardian.com/environment/2015/jan/20/keystone-xl-pipeline-developer-seize-land-nebraska>

The developer of the Keystone XL oil pipeline on Tuesday made good on its promise to try to seize access to the Nebraska land it needs to finish the project – the first steps it has taken since the state's high court removed a major legal barrier. TransCanada employees said the company filed legal papers in nine Nebraska counties to invoke eminent domain for the land that is needed to construct, operate and maintain the pipeline.

4 – U.S. workers remain at risk from potentially deadly paint-removers, Science Blogs, 1/20/2015

<http://scienceblogs.com/thepumphandle/2015/01/20/u-s-workers-remain-at-risk-from-potentially-deadly-paint-removers/>

If you're in the market for a paint remover and head to your local hardware store, most of the products you're likely to find will contain methylene chloride. These products' containers promise "professional results" – that they remove paint "in 10 minutes" – and that they are "specially formulated for antiques and fine furniture." One called "Dad's Easy Spray," suggests it can be used to remove paint from fabrics and rugs. Also available are adhesive removers and "prepaint" products that contain methylene chloride. Some of these come in aerosol dispensers.

5 – (Opinion) Luke Metzger: Texas should take lead on climate solutions, El Paso Times, 1/19/2015

http://www.elpasotimes.com/opinion/ci_27359615/texas-should-take-lead-climate-solutions

Years ago, many people thought of global warming as something that would happen "someday." As it turns out, "someday" has come. Since 2000, we've experienced 14 of the 15 warmest years on record – including 2014, the hottest year ever recorded. Almost 800 communities in Texas still have mandatory water restrictions in place five years in to a punishing drought, which scientists have said is due in part to climate change.

6 – Biofuels industry in regulatory gridlock as it awaits EPA ruling, Dallas Morning News, 1/20/2015

<http://www.dallasnews.com/business/energy/20150120-biofuels-industry-in-regulatory-gridlock-as-it-awaits-epa-ruling.ece>

Seven years ago President George W. Bush signed a law requiring that refineries blend fuels derived from corn, animal fat and plant waste into the nation's fuel supply. But the industry it spawned says it's on the verge of plant

closures and layoffs if the federal government doesn't clear up uncertainty about future fuel standards. At the National Biodiesel Conference in Fort Worth on Tuesday, National Biodiesel Board CEO Joe Jobe said opposition from the oil industry had bogged down efforts to update the fuel standard and urged the Environmental Protection Agency to move forward.

7 – Earthquakes, dispute over smoking ban rile Irving residents at meeting, Dallas Morning News, 1/20/2015

<http://www.dallasnews.com/news/community-news/northwest-dallas-county/headlines/20150120-earthquakes-dispute-over-smoking-ban-rile-irving-residents-at-meeting.ece>

Hundreds of people packed a town hall meeting Tuesday, troubled by the air around them and the earth beneath their feet. Most came to the Irving Arts Center to ask the mayor and council members about dozens of small earthquakes that have been barraging the city since last fall — four of them just hours before the meeting.

8 - Motiva, other Shell entities, to pay \$900,000 to settle EPA air pollution charges, Times Picayune, 1/12/2015

http://www.nola.com/environment/index.ssf/2015/01/motiva_other_shell_entities_pa.html

Motiva Enterprises LLC, which has refinery operations in Norco and Convent, and two other companies affiliated with Shell Oil Co. have agreed to pay \$900,000 to settle Clean Air Act violations alleged by the Environmental Protection Agency, agency officials announced Tuesday.

9 – Production begins at Lucius field in deepwater Gulf, Town Talk, 1/20/2015

<http://www.thetowntalk.com/story/news/2015/01/20/production-begins-lucius-field-deepwater-gulf/22050011/>

A partner in the Lucius oilfield says production has begun in the Gulf of Mexico. The field in the Keathley Canyon area about 236 miles southwest of Port Fourchon in 7,200 feet of water. Anadarko Petroleum Corp., the operator, said the facility has the capacity to handle 80,000 barrels of oil and 450 million cubic feet of natural gas per day.

10 – Judge overturns New Mexico county's drilling ordinance, Las Cruces News, 1/20/2015

http://www.lcsun-news.com/las_cruces-news/ci_27356700/judge-overturns-new-mexico-countys-drilling-ordinance

A federal judge has overturned a northeastern New Mexico county's effort to ban oil and natural gas drilling. District Judge James O. Browning's 199-page order released Tuesday declares Mora County's ordinance invalid. The ordinance was enacted in April 2013. It cited environmental concerns and put the county's decision-making rights ahead of business interests and federal and state permits.

11 – At Camp Minden, state asks EPA chief to assure safe disposal of toxic artillery propellant, Times Picayune, 1/16/2015

http://www.nola.com/environment/index.ssf/2015/01/state_asks_epa_administrator_t.html

State officials asked Environmental Protection Agency Administrator Gina McCarthy on Friday to intervene with the agency's Dallas regional office staff to assure proper disposal of 15 million pounds of toxic artillery propellant that is being stored at Camp Minden. In a letter to McCarthy, Louisiana Environmental Quality Secretary Peggy Hatch and National Guard Adjutant Gen. Glenn Curtis charged EPA's Region 6 office with "persistent mishandling" of the M6 propellant disposal.

12- BP, feds start fight in New Orleans courtroom over 2010 Gulf of Mexico oil spill fines, Times Picayune, 1/20/2015

http://www.nola.com/business/index.ssf/2015/01/bp_fighting_penalty_2010_gulf.html#incart_river

The U.S. Justice Department urged a federal judge on Tuesday to impose the maximum \$13.7 billion fine on BP for its role in the 2010 Gulf of Mexico oil spill. But attorneys for the oil giant said such a penalty would cause undue harm to the company.

13 -- Kansas Geological Survey links earthquakes to fracking waste disposal, Wichita Eagle, 1/20/15

<http://www.kansas.com/news/state/article7540583.html>

The disposal of waste saltwater from hydraulic fracturing could be to blame for a sharp increase in earthquakes in south-central Kansas, according to a geophysicist with the Kansas Geological Survey. Rick Miller's comments are the first by a state official to clearly suggest a link between hydraulic fracturing, commonly known as fracking, and the earthquakes that have rattled the area in the last two years, the Lawrence Journal-World reported.

14 Coal power is going strong despite environmental, economic pressures, CEO says, Tulsaworld, 1/21/15

http://www.tulsaworld.com/business/energy/coal-power-is-going-strong-despite-environmental-economic-pressures-ceo/article_37ad4776-0e3d-572d-a418-500c3235c910.html

The coal industry may have a target on its back, but it still produces 40 percent of the nation's electricity, one of the industry's leaders said Tuesday on the University of Tulsa campus. Cloud Peak Energy CEO Colin Marshall told the TU Friends of Finance crowd that the U.S. may be "losing its competitive edge" along with the economic benefits of low-cost coal-fired generation. Asia is growing faster than America and using coal to power most of its electricity, he noted.

15- Oklahomans support plan to cut Texas emissions, Greenwire, 1/20/15

<http://www.eenews.net/greenwire/2015/01/20/stories/1060011911>

A federal plan to curtail air pollution in Texas that crosses state lines received support last week from Oklahomans attending a public hearing about the proposal. In November, U.S. EPA released its plan to control emissions from Texas coal plants.

16- Environmental Protection Agency's plan to crack down on Texas coal plant emissions draws support in Oklahoma, Oklahoman, 1/18/15

<http://newsok.com/environmental-protection-agencys-plan-to-crack-down-on-texas-coal-plant-emissions-draws-support-in-oklahoma/article/5385449>

A federal plan to control emissions from Texas coal plants affecting visibility at national parks and wilderness areas in Oklahoma, Arkansas and Texas was backed by most of the participants Thursday evening at a public hearing in Oklahoma City. The Environmental Protection Agency held the meeting after releasing its plan for Texas utilities in November. The agency partially rejected a Texas state plan for regional haze proposed in 2009.

17- Three companies agree to a \$900,000 civil penalty with EPA, Advocate, 1/21/15

<http://theadvocate.com/news/11385115-123/three-companies-agree-to-a>

Three companies affiliated with Shell Oil Company, including the Convent and Norco Motiva Enterprises facilities, agreed to a \$900,000 civil penalty settlement with the U.S. Environmental Protection Agency. The civil penalty is in response to a number of alleged violations of the Clean Air Act at not only refining locations, but also through distribution and retail businesses in several locations around the country, according to the EPA.

18 Concerned Citizens will deliver petitions to area lawmakers, KTBS, 1/21/15

<http://www.ktbs.com/story/27900483/concerned-citizens-will-deliver-petitions-to-area-lawmakers>

Concerned citizens of the Camp Minden Burn" and "Louisiana Progress Action" will be making the rounds this morning, asking the E-P-A to consider an alternative to the open burn for getting rid of the explosives. They will be delivering a petition calling for the safe removal to the Louisiana Department of Environmental Quality, Senator David Vitter and Representative John Flemming.

19 - Oklahoma corporation commissioner: EPA plan could hinder reliable electric service, New OK, 1/21/15

<http://newsok.com/oklahoma-corporation-commissioner-epa-plan-could-hinder-reliable-electric-service/article/5386321>

The good news is the Environmental Protection Agency has managed to do the unthinkable: bring about broad agreement among the utility industry and many utility regulators. The bad news is that what's getting broad support

is the very real concern that the reliable electric service we count on may become a casualty of the EPA's "Clean Power Plan" (CPP).

Louisiana

EPA document says government knew about contamination at Camp Minden in 1989

Posted By [Chris Butler](#) On January 21, 2015 @ 4:00 am

By Chris Butler | Louisiana Watchdog

Government officials knew as far back as 1989 that explosive material stored at Camp Minden had already contaminated soil, surface water and groundwater around the plant, [according to a memo written last summer](#) ^[1].

[As reported, Environmental Protection Agency officials plan to burn 15 million pounds of M6 propellant explosives at the plant, originally designed for military use, into the northern Louisiana atmosphere](#) ^[2].

People exposed to it might develop cancer or blood pressure problems or even pass on birth defects to their children, experts warn.

According to the EPA document, as of last year, Camp Minden had 1.8 million pounds of an aluminum/TNT mixture. In addition to the M6, the memo lists the camp as having other explosives and propellants.

As the EPA memo goes on, an unknown amount of TNT contaminated the camp 26 years ago.

The memo says Explo Systems, the private company responsible for overseeing the 15 million pounds of explosives, had nothing to do with that 1989 contamination.

But, as the memo also says, EPA officials are investigating whether Explo, which has since gone bankrupt, contributed to more problems.

Former Louisiana Tech professor Bob Flournoy, who holds a doctorate in environmental toxicology, told Louisiana Watchdog he has reviewed the EPA's memo, and he is alarmed.

"If these explosives are not handled properly, you aren't going to have a lot of business development in north Louisiana," Flournoy said.

"Companies won't want to move here."

In a statement, EPA spokeswoman Jennah Durant said the agency's modeling shows emissions will be within acceptable levels.

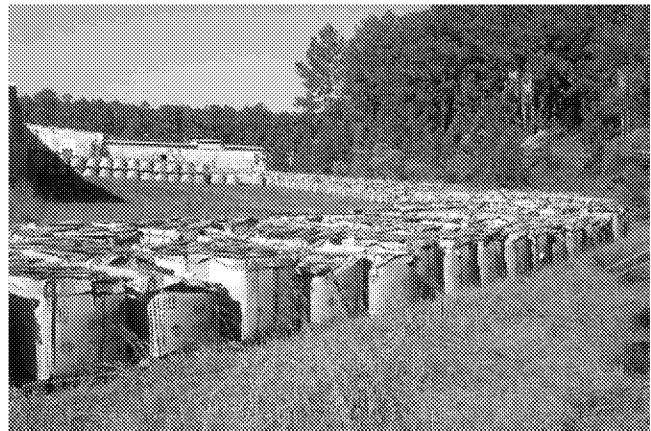
"EPA will be on-site and conduct independent oversight to confirm the contractor's adherence to the environmental requirements. We will make our information available to the public," Durant said.

Parish residents fear these toxins, which could rise two miles into the atmosphere depending on weather conditions, might eventually cover their entire corner of the state or spread into Texas or Arkansas.

A storage bunker containing explosives at the camp, a training site for the Louisiana National Guard, exploded in 2012. The explosion, according to an EPA news release, shattered windows in the city of Minden, four miles away, and generated a 7,000-foot mushroom cloud. EPA officials initiated negotiations late last year to dispose of the explosives, which they say are in danger of exploding later this year.

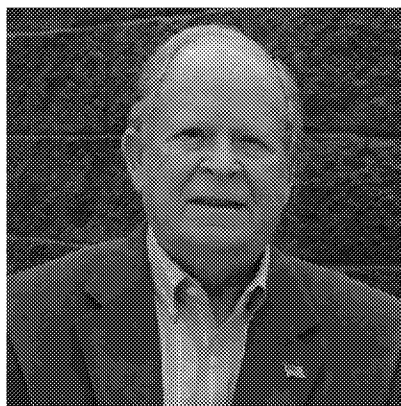
According to the EPA's memo, vegetation on the tops and sides of this material is affecting its structural integrity by taking in moisture.

Flournoy said safe alternatives to an open burn exist, and the EPA hasn't considered them, although agency officials did announce a 90-day delay on the burn late last week.



[3]

Piles of explosive powder stored outside the Camp Minden Industrial site, which the EPA wants to open burn despite the objections of many north Louisiana residents.



[4]

Robert Flournoy

Webster Parish resident Melissa Downer, who lives near the camp, says the EPA's actions have saddened her and other residents.

"People are talking about moving away, already, but there are so many others that don't have that option. Houses here will depreciate because no one will want them," Downer said.

"It's such a nice place to live with the land and the people and the tight-knit community, and it's being jeopardized because of their negligence and basically thinking of us as collateral damage."

According to Tuesday's Daily Caller, the agency exposed children to deadly diesel exhaust in California without disclosing the full risks through a series of experiments between 2003 through 2010 [5].

Contact Christopher Butler at cbutler@watchdog.org [6]

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[1] according to a memo written last summer: http://www2.epa.gov/sites/production/files/2014-12/documents/final_signed_explo_action_memo_-_oct_28-2014_v1.pdf

[2] As reported, Environmental Protection Agency officials plan to burn 15 million pounds of M6 propellant explosives at the plant, originally designed for military use, into the northern Louisiana atmosphere: <http://watchdog.org/192786/explosives/>

[3] Image: <http://watchdog.org/wp-content/blogs.dir/1/files/2015/01/Camp-Minden2.jpg>

[4] Image: <http://watchdog.org/wp-content/blogs.dir/1/files/2015/01/Flournoy.jpg>

[5] According to Tuesday's Daily Caller, the agency exposed children to deadly diesel exhaust in California without disclosing the full risks through a series of experiments between 2003 through 2010: <http://dailycaller.com/2015/01/20/report-epa-tested-deadly-air-pollutants-on-children/>

[6] cbutler@watchdog.org: <mailto:cbutler@watchdog.org>

[7] Facebook : <https://www.facebook.com/louisiana.watchdog>

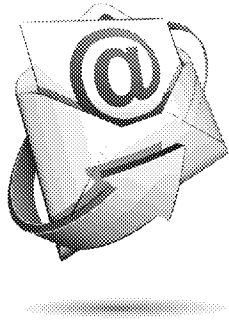
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Flournoy: Everyone should be trying to stop Camp Minden burn

Robert FlournoyRuston 10:45 a.m. CST January 20, 2015



The United States Environmental Protection Agency was established in 1970. Here are two sentences taken from the www.epa.gov website: *Keeping communities safe and healthy requires action to reduce risks associated with exposure to chemicals in commerce, our indoor and outdoor environments, and products and food. EPA must work each and every day ... to improve the health of American families and protect the environment one community at a time, all across the country. The website also states the EPA mission is to protect human health and to safeguard the natural environment — air, water and land — upon which life depends.*

What the EPA is planning for Camp Minden and the citizens of north Louisiana is in great contrast to their statements on the website.

The EPA has decided that the 15 million pounds of propellant, improperly stored and abandoned, can be burned in the very near future at Camp Minden by a technique called open-tray burning. This technique is nothing more than putting the propellant on a tray and burning the chemicals in open air. The EPA says this is a safe way to destroy the propellant. I strongly disagree with their decision and their safety statement. I have over 42 years of environmental experience and can say without a doubt the open-tray method is not safe. The EPA has produced no data to the safety of such a burn and repeatedly ignores requests for such data from media, citizens, state officials and environmental professionals. In addition to the air contamination risk, we have three other issues: explosive detonation, groundwater contamination and soil contamination.

The propellant, M6, has been illegally stored and left unattended for quite a while, producing an environmental and safety hazard. The M6 propellant contains five chemicals and two of the five are considered toxic.

The EPA and US Army allowed a private contractor, Explo Systems, Inc., to be negligent by not properly managing the explosives and not properly disposing of them. Now, the situation is dire because the propellant is becoming unstable. An explosion at the site in 2012 produced a 7,000-foot mushroom cloud, shook the earth, and broke windows miles from the site.

It is a real problem, but I think the EPA, the U.S. Army officials and Explo Systems Inc., are the real ones being protected. I don't think the EPA is keeping with their statements mentioned above to reduce risks associated with exposure to chemicals in outdoor environments and to improve the health of American families.

Citizens groups have organized and taken steps to stop the burn and provide alternative ways to destroy the propellant; but their efforts have not been received by the EPA. You can help by contacting federal and state legislators, Gov. Bobby Jindal and the Louisiana DEQ; signing petitions; and writing the EPA to voice your concerns. Everyone in North Central Louisiana should be very active in stopping this open-tray burn because of the health risks it creates.

— Robert Flournoy

Ruston

Read or Share this story: <http://www.shreveporttimes.com/story/opinion/readers/2015/01/20/flournoy-everyone-trying-stop-camp-minden-burn/22046675/>

Keystone XL pipeline developer takes steps to seize land in Nebraska

TransCanada invokes eminent domain in nine counties
Holdout landowners retain 12% of land needed for project



A sign opposing TransCanada's Keystone XL pipeline is seen in a field near Bradshaw, Nebraska, in this 2013 photo. Photograph: Nati Harnik/AP

Associated Press in Lincoln, Nebraska

Tuesday 20 January 2015 16.36 EST

The developer of the Keystone XL oil pipeline on Tuesday made good on its promise to try to seize access to the Nebraska land it needs to finish the project - the first steps it has taken since the state's high court removed a major legal barrier.

TransCanada employees said the company filed legal papers in nine Nebraska counties to invoke eminent domain for the land that is needed to construct, operate and maintain the pipeline. The filings come just before the company's two-year window closes on Thursday.

The pipeline still faces legal challenges in Nebraska, even though the state's supreme court allowed the route to stand by default. Opponents have sued to try to prevent the Calgary-based company from using eminent domain and to overturn the state pipeline-siting law that allowed the former governor Dave Heineman to approve the route in 2013.

The pipeline would carry an estimated 800,000 barrels of crude oil a day to Nebraska, where it would connect with existing pipelines headed for Gulf coast refineries.

By law, TransCanada can use the courts to force Nebraska landowners to sell access to their land. Company officials say they still need to acquire 12% of the total land easements from owners who have not yet reached a deal. Some holdouts have said they will not negotiate no matter how much TransCanada offers.

The company has acquired 100% of the private landowner easements in Montana and South Dakota, according to TransCanada's Keystone projects land manager, Andrew Craig.

"This is all we have left," Craig said. "We think 88% voluntarily agreements in the last two years is a substantial success."

Keystone XL could face new lawsuit from Nebraska ranchers



Read more

Pipeline opponents argue that many of the landowners in Montana and South Dakota were "bullied" early in the process and told they had no other option.

Craig said the company has secured voluntary agreements with as many as 96% of the landowners in some of the remaining Nebraska counties. And he expects the company will sign agreements with at least half of the remaining landowners without having to use eminent domain.

Those still willing to negotiate mostly have concerns about compensation and restoration of native grasslands that could take three to five years to regrow, Craig said.

Jim Tarnick has received at least six offers - ranging from \$30,000 to \$58,000 - for his land on the route just south of Fullerton. TransCanada also sent the 39-year-old a letter and tried to call him last week after the court's ruling. He opposes the pipeline and plans to continue fighting it, though he is not part of the new lawsuits.

"If we can't stop the project, we at least have to do what's best for us and future generations," said Tarnick, who is concerned about the pipeline's possible effects on groundwater and soil. "When they're done with it, we're going to be left with a pipe in the ground."

Environmentalists and other pipeline opponents argue that any leaks could contaminate water sources and the project would increase air pollution around refineries and harm wildlife. Supporters, including state and national Republicans and oil industry members, say those fears are exaggerated and argue that the pipeline would create jobs and ease the country's dependence on foreign oil.

President Barack Obama has downplayed the project's benefits, and the White House has publicly threatened to veto legislation in Congress that would fast-track the project.

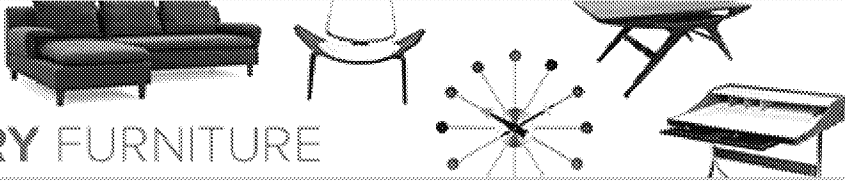
Nebraska lawmakers may debate the issue again this session. State senator Ernie Chambers introduced a bill on Tuesday that would repeal the pipeline-siting law and bring the project "to a virtual standstill".

"The pipeline is like King Kong, and the people and farms are like ants and grasshoppers," Chambers said. "If they get in
You're viewing the Guardian's new website. We'd love to hear what you think.

In the two lawsuits filed last week - which could delay the entire 1,179-mile Canada-to-Nebraska project - seven landowners in Holt and York counties said they had received written warning that TransCanada intends to initiate eminent domain proceedings.

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The **PUMP HANDLE**

A WATER COOLER FOR THE PUBLIC HEALTH CROWD



U.S. workers remain at risk from potentially deadly paint-removers



Posted by [Elizabeth Grossman](#) on January 20, 2015

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If you're in the market for a paint remover and head to your local hardware store, most of the products you're likely to

find will contain methylene chloride. These products' containers promise "professional results" – that they remove paint "in 10 minutes" – and that they are "specially formulated for antiques and fine furniture." One called "Dad's Easy Spray," suggests it can be used to remove paint from fabrics and rugs. Also available are adhesive removers and "prepaint" products that contain methylene chloride. Some of these come in aerosol dispensers.

These products all carry hazard warnings that say "Danger!" and "Poison" along with cautionary statements about the chemical's nervous system effects and the possibility that exposure can cause blindness, birth defects, cancer and respiratory harm. But there's little – if anything – to suggest such products are so hazardous that they were responsible for at least 14 deaths in the United States between 2000 and 2011. Among those who died using these products was a man in Houston who was removing the finish from the walls of his bathroom; a worker removing paint from a church's baptismal font; a worker hired to refinish an apartment bathtub; a worker cleaning a paint-mixing tank and the co-worker who tried to rescue him. Yet another such fatality occurred on December 16, 2014 when a worker in New York died while refinishing a bathtub.

Also called dichloromethane (DCM), methylene chloride is a potentially deadly neuro- and respiratory toxicant that may also cause cancer. Its acute effects can include skin, eye and respiratory irritation, headache, dizziness, nausea, depression of the central nervous system, lack of coordination, unconsciousness and death. Chronic effects include kidney, liver and central nervous system damage. The U.S. National Toxicology Program classifies methylene chloride as reasonably anticipated to be a human carcinogen while the International Agency for Research on Cancer (IARC) classifies it as possibly carcinogenic to humans. The U.S. Occupational Safety and Health Administration (OSHA) considers methylene chloride a potential occupational carcinogen. The U.S. Environmental Protection Agency (EPA) estimates that more than 230,000 U.S. workers are directly exposed to DCM from paint-strippers.

The Toxic Use Reduction Institute (TURI) at the University of Massachusetts Lowell also notes that "high, short-term exposures" to methylene chloride "can be lethal." In addition, says TURI, methylene chloride's "extreme volatility makes it especially dangerous since it is very easy to create unsafe airborne concentrations through evaporation." Once in the body methylene chloride can be converted to carbon dioxide, which is toxic to the brain and nervous system. It can damage blood cells and has been linked to brain, liver and biliary system cancers. Animal studies have linked the substance to lung cancer and to breast and salivary gland tumors.

While such products continue to be sold in the U.S., the health risks associated with them prompted the European Union to prohibit sale of such methylene chloride-based products beginning in 2012. In 2013, citing "just two of many similar cases," in which a worker died while refinishing a bathtub using a methylene chloride-based product, OSHA – along with the National Institute of Occupational Health and Safety (NIOSH) – issued a "Hazard Alert" for these products.

In an analysis of three deaths caused by methylene chloride exposure through paint-strippers, researchers with the California Department of Health (CDPH) concluded that "although the cases" they examined "involved occupational exposures, both products were consumer-available formulations, one of which was purchased at a local hardware store. DCM-containing paint strippers are sold in U.S. retail stores, placing consumers at risk for similar injury." The researchers also note that these cases "illustrate that warnings alone do not ensure safety, and even personal protective equipment (such as respirators) may fail to protect." The continued occurrence of fatal exposure to such paint-strippers, they write, "argues for a more aggressive regulatory approach to protect both workers and consumers."

In August 2014 the EPA released its final risk assessment for DCM under the Toxic Substances Control Act. It found "health risks to both workers and consumers who use these products and to bystanders in workplaces and residences where DCM is used." EPA is now considering what it calls "a range of possible voluntary and regulatory actions to address" these concerns.

In 2014, as part of its Safer Consumer Products Regulations, the California Department of Toxic Substances Control

(DTSC) “identified” paint and varnish removers that contain methylene chloride as proposed “priority products.” If approved for listing as a “priority product,” manufacturers of these products would have to perform analyses to find safer alternatives and measures to reduce adverse health and environmental impacts. DTSC can – as part of its “regulatory response” to the outcome of the law’s “priority product” process – require that a hazardous product be taken off the market. California is expected to begin the rulemaking phase for the first proposed “priority products” by the end of March of 2015.

Safer alternatives?

So are there safer alternatives to methylene chloride-based paint removers and if so, why are these exceptionally dangerous products still on U.S. store shelves?

In comments submitted to California DTSC in 2014, Savogran, a Massachusetts-based company that makes paint and varnish removers wrote, “No known substitute chemical removes paint as effectively as methylene chloride. The alternatives on the market are not functionally acceptable.” In its comments to the DTSC, the Halogenated Solvents Industry Association (HSIA) said similarly that no alternatives exist for DCM in these products. HSIA, which also suggested that federal and California occupational safety standards should be sufficiently protective, made similar comments to the EPA in 2013.

Meanwhile, the European trade association Eurochlor noted in an earlier white paper: “Chlorinated solvents have been used extensively for many years. During this time, the fatalities or serious injuries which have occurred have been due to massive over-exposure through a total disregard for good operating practices, or through deliberate misuse. When solvents are stored, used and disposed of correctly, there is no risk to human health.”

When it comes to other types of paint-removers, there are a number – like several found on my neighborhood hardware store shelves – that contain a chemical called N-methyl-2-pyrrolidone (NMP). According to Savogran’s comments to DTSC, these “performed reasonably well” but may not be truly safe because NMP is considered “a chemical of concern.” TURI deputy director Liz Harriman explains that “N-methyl-2-pyrrolidone (NMP) is a reproductive toxin.” While products with NMP are for sale in the U.S., they are now being phased out in Europe due to toxicity concerns.

Meanwhile, the EPA is in the process of evaluating NMP and has released a draft risk assessment of the chemical. The assessment is not final but based on findings thus far, EPA says the agency recommends minimizing exposure to NMP-containing paint strippers.

So what’s out there besides paint-removers based on methylene chloride and NMP? To help potential users sort through the confusing array of product CDPH has developed a guide to such products that it shared during a presentation at the 2014 American Public Health Association meeting. It rates these products on a scale that goes from Red – “Not Recommended,” through Orange – “Use with extreme caution,” Yellow – “Use with caution,” to Green – “Preferred.” Among the products on this list include those based on benzyl alcohol, soy-based paint strippers, and others based on hydroxide, formic acid and various esters (dimethyl glutarate and dimethyl adipate).

CDPH found that most paint-removers now on the market fall into the red, “not recommended” category. They also found that most workers are now using “red” category products. Workers interviewed also reported experiencing symptoms that include chemical burns, skin, eye and respiratory irritation, headaches and dizziness while using these products.

CDPH researchers also investigated how well retailers and product users understood the relative safety of these products and precautions required for safe use. They found – not surprisingly – that retailers were hazy on the details, assumed that contractors and other professionals knew how to use all such products safely, and that personal protective equipment would provide adequate protection. CDPH also found that contractors said they wanted to have the ongoing

option of using DCM-based products and were surprised that available alternatives were not 100 percent safe. Workers surveyed by CDPH reported that a paint-remover made without methylene chloride worked far less well than one containing DCM.

At the same time, the CDPH survey found contractors and retailers reporting a decrease in sales and use of DCM-based products. Despite this apparent trend, the CDPH researchers concluded: "Consumption [and] demand will not shift unless policy and regulations change and R&D [research and development] rushes in to meet new demand."

So where does this leave US workers and do-it-yourselfers?

While Europe has banned methylene chloride-containing paint-removers and is phasing out a hazardous replacement, U.S. store shelves remained filled with the most toxic of these products. While waiting for the outcome of regulatory deliberations, the EPA "recommends that consumers check" product labels and take precautions to reduce exposures. At the same time, California public health experts have concluded that warnings – and current regulations – offer inadequate protection. And so, this situation raises what are now familiar questions about the U.S. chemical regulatory system's ability to restrict even the most obviously hazardous substances.

Elizabeth Grossman is the author of Chasing Molecules: Poisonous Products, Human Health, and the Promise of Green Chemistry, High Tech Trash: Digital Devices, Hidden Toxics, and Human Health, and other books. Her work has appeared in a variety of publications including Scientific American, Yale e360, Environmental Health Perspectives, Mother Jones, Ensis, Time, Civil Eats, The Guardian, The Washington Post, Salon and The Nation.

Keywords: [cancer](#), [CDC](#), [chemicals](#), [dichloromethane](#), [environmental health](#), [EPA](#), [methylene chloride](#), [NIOSH](#), [occupational health](#), [occupational safety](#), [OSHA](#), [paint-removers](#), [paint-strippers](#), [Safer Consumer Products Regulations](#), [Toxics Use Reduction Institute](#), [TSCA](#), [worker fatality](#), [worker safety](#)

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January 20, 2015

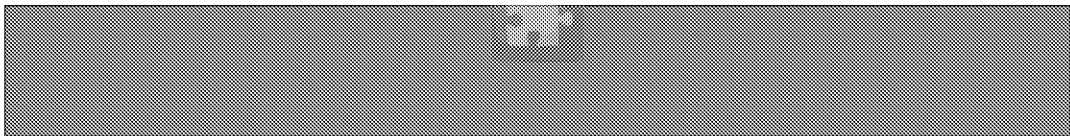
Of course, since other alternatives do not work as well overregulation in Europe removes choice from those who can responsibly exercise it. The warning labels, at least here in Canada, are sufficiently dire that misuse would seem to be entirely the responsibility of those not attending to the label.



2. [#2 The Pump Handle](#)

January 20, 2015

With thanks to Robert Harrison for sharing this information, this post has been updated to reflect an additional occupational fatality from methylene chloride exposure – a worker who died while refinishing a bathtub in New



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Luke Metzger: Texas should take lead on climate solutions

By Luke Metzger / Guest columnist

POSTED: 01/21/2015 12:00:00 AM MST

Years ago, many people thought of global warming as something that would happen "someday." As it turns out, "someday" has come.

Since 2000, we've experienced 14 of the 15 warmest years on record – including 2014, the hottest year ever recorded. Almost 800 communities in Texas still have mandatory water restrictions in place five years in to a punishing drought, which scientists have said is due in part to climate change.

As the oceans warm, we're learning that Antarctic glaciers are melting so fast they're dumping a Mount Everest-size pile of ice into the sea every two years.

We're fast approaching the point when scientists say climate change could tip toward catastrophe, with marine life dying as oceans acidify and storms becoming more powerful and more disruptive.

Nobody, of course, wants to leave the next generation a world where heat waves, floods, droughts and worse are the "new normal."

Scientists say we simply must stop putting carbon into our air, and repower our society with clean, renewable energy such as solar, wind and energy efficiency.

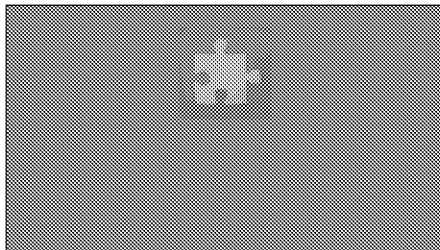
And that's why President Barack Obama's recent leadership on this issue arrives not a minute too soon.

The Clean Power Plan is the centerpiece of his plan to solve the climate crisis.

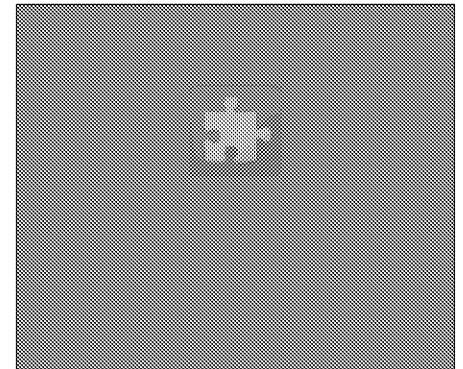
For the first time ever, this plan limits carbon pollution from power plants, America's No. 1 source of global warming pollution -- even bigger than cars and trucks.

The Clean Power Plan would cut this pollution at least 39 percent in Texas and 30 percent nationwide by the end of the next decade.

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The plan would have significant benefits for Texas including a 29 percent reduction in smog and soot pollution and a 21 percent decrease in water consumption in the electric sector, enough water to fill Cowboys Stadium 37 times every year.



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Polls show that two-thirds of all Americans back the idea – including a majority of Republicans and Democrats. Americans have submitted more than 8 million comments asking the EPA to take action on the issue, including El Paso County Judge Veronica Escobar and Sen. José Rodríguez.

But some members of Congress – including those who still deny the overwhelming science behind climate change – have vowed to do everything in their power to block the president's plan. Noted climate deniers Sen. Ted Cruz and Rep. Lamar Smith head the Senate and House science committees respectively.

What can and must we do to see that the Clean Power Plan is approved and put into place?

First and foremost, Rep. Beto O'Rourke must rally his colleagues in the Texas congressional delegation to stand with President Obama's plan over Sen. Cruz and his allies' attempts to block it.

Next, if Gov-elect Abbott and the Legislature aren't going to embrace the Clean Power Plan, they should at least not continue the state's counterproductive, obstructionist tactics.

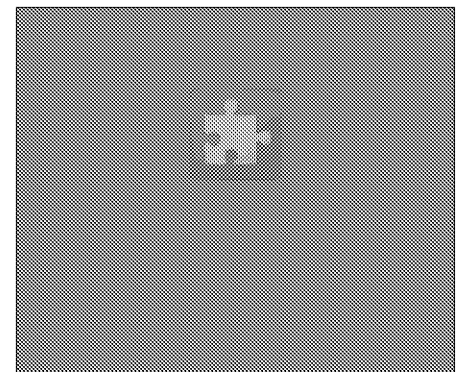
Several years ago Texas put ideology ahead of business and refused to issue greenhouse gas permits. Long delays in new construction resulted and some businesses seriously considered moving operations out of state.

It took the state's business community going to the Legislature to force the state to start issuing the permits.

It's time for Texas to work cooperatively with the EPA to develop an implementation plan that works for Texas and maximizes use of our tremendous solar and wind energy resources.

Most of all, we must continue to speak out and advocate climate solutions, because we know when the public leads, our leaders will, someday, follow. That's the someday we want to come.

Luke Metzger is the director of Environment Texas, a non-profit advocate for clean air, clean water and open spaces.



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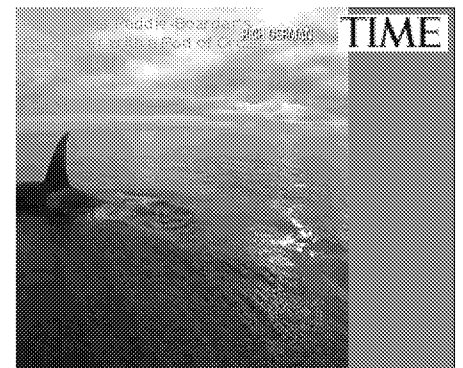
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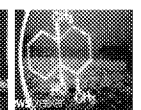
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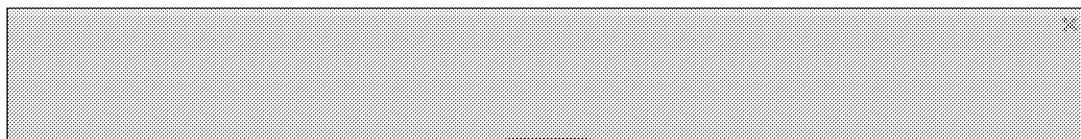
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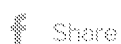
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Biofuels industry in regulatory gridlock as it awaits EPA ruling



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By JAMES OSBORNE 

Staff Writer

Published: 20 January 2015 08:43 PM

Updated: 20 January 2015 08:43 PM

FORT WORTH — Seven years ago President George W. Bush signed a law requiring that refineries blend fuels derived from corn, animal fat and plant waste into the nation's fuel supply. But the industry it spawned says it's on the verge of plant closures and layoffs if the federal government doesn't clear up uncertainty about future fuel standards.

At the National Biodiesel Conference in Fort Worth on Tuesday, National Biodiesel Board CEO Joe Jobe said opposition from the oil industry had bogged down efforts to update the fuel standard and urged the Environmental Protection Agency to move forward.

"If the EPA doesn't get this back on track, we might as well not even have a program," he said.

The renewable fuel standard, which sets year-by-year mandates for ethanol,

biodiesel and other biofuels, has come under debate in Washington over concern there is already too much ethanol in the nation's gasoline supply. In late 2013, a top EPA official told Congress that as domestic fuel demand weakened because of more efficient cars, the proportion of ethanol in the fuel supply had risen to the point it could harm engines — what engineers refer to as the “blend wall.”

At the same time, U.S. oil production has increased 80 percent since 2010 to more than 9 million barrels a day. One of the chief arguments for biofuels — besides cutting carbon emissions — was reducing the nation's dependence on foreign oil. And, at least for now, U.S. oil imports are on the decline.

That has left the biofuel industry in regulatory gridlock. The EPA has not updated the renewable fuel standard since November 2013. That year biodiesel production hit 1.8 billion gallons. But with no new standard, that number fell to 1.75 billion gallons in 2014, according to the biodiesel board.

Earlier this month Green Earth Fuels, a Houston biodiesel producer, filed for bankruptcy, and there is fear more losses are coming.

At the conference Tuesday, companies showed off biodiesel-fueled trucks and jars of crystal clear fuel made from used cooking oil. Hanging over the downtown exhibition hall was a sense of unease over the government's commitment to biofuels.

Jarren Nagy, whose Northern California company collects used cooking oil from restaurants for use in biodiesel production, said two of his competitors had closed over the last year.

“I have all my eggs in this. It would be nice to have some certainty from the government,” he said.

The EPA was scheduled to release renewable fuel standards for 2015 two months ago. And with no decision date set, rhetoric between the biofuel and oil industries has been ramping up.

During a presentation laden with clips from movies including *Star Wars* and *Back to the Future*, Jobe cataloged what he described as “misinformation” about the biofuel industry spread by groups including the American Petroleum Institute, the oil industry's chief lobbying arm.

He pointed to a 2013 study commissioned by API predicting that by 2015 the renewable fuel standard would cause gasoline prices to rise 30 percent and diesel 300 percent. Oil prices are down more than 50 percent since the end of 2013.

Asked to comment, an API spokesman said the fuel standard was “costly, based on outdated policy aimed at reducing [oil] imports, and most importantly puts consumers at a safety risk since no auto manufacturer will warranty more [ethanol] in gasoline than 10 percent.”

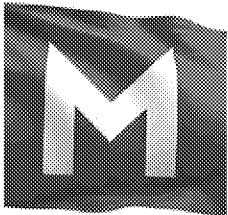
Still, Jobe said he remained optimistic. He said he believed there were potential partners within the oil industry, to whom he appealed for greater cooperation.

“In 2014, the renewable fuel standard got off track. It’s our goal to get it back on track in 2015,” he said.

Follow James Osborne on Twitter at [@osborneja](#).

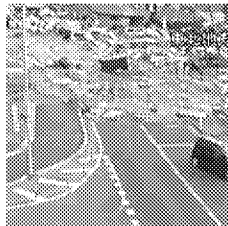
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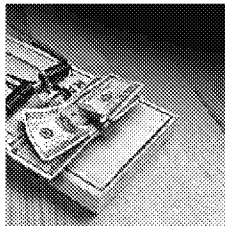
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Northwest Dallas County

Earthquakes, dispute over smoking ban rile residents at meeting

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By AVI SELK
Staff Writer

Published: 20 January 2015 11:00 PM

Updated: 20 January 2015 11:04 PM

IRVING — Hundreds of people packed a town hall meeting Tuesday, troubled by the air around them and the earth beneath their feet.

Most came to the Irving Arts Center to ask the mayor and council members about dozens of small earthquakes that have been barraging the city since last fall — four of them just hours before the meeting.

But many of those people had to wait in the hallway while hundreds more jammed the auditorium to weigh in on a looming vote to tighten the city's smoking ban.

The council last month punted an ordinance that would have outlawed smoking sections in restaurants. Since then, the "Smoke-Free Irving Coalition" has formed, and on Tuesday its members peppered the auditorium with bright red T-shirts and frequent applause as Mayor Beth Van Duyne went toe-to-toe with opponents of the ban.

"This grosses people out, but it's just like having a public pool with a no-peeing section," the mayor quipped

The joke drew laughter. But it also earned a rebuke from Larry Nobriga, who said his business relies on wining and dining clients in Irving's smoky establishments.

“People urinate in pools; that’s why they have chlorine systems,” Nobriga said after waiting in line for the microphone. “And you know, you don’t have to swim there.”

As the topic turned from smoking to earthquakes and space freed up in the arts center, some of the people waiting outside were allowed in. But there was far from enough room, and dozens remained locked out.

When Van Duyne stepped into the hallway to mollify the throng and offer to answer questions, hands shot up all around her.

“Everywhere they’re fracking they have earthquakes,” a woman called out — summarizing the crowd’s sentiment.

While many residents blame oil and gas drilling on the dozens of temblors to hit the Irving area in recent weeks, university researchers working with the city have warned that identifying a cause of the quakes — if one is found — will take months.

That was too long for many at the town hall.

“We do not have a full-time seismologist on our staff,” the mayor told Mahendra Devbhaktumi.

“In the last month or so it’s 30 quakes,” Devbhaktumi replied. “I think you better hire somebody.”

After fielding question after question with few answers, Van Duyne finally went back into the auditorium, where hundreds more waited with their own concerns.

As she has often, Van Duyne reminded residents that no one has fracked in Irving in years. And the city has never allowed drillers to inject wastewater underground — a practice that researchers suspect causes quakes.

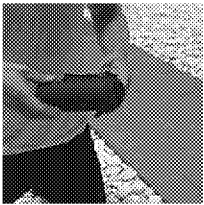
That gave little comfort to those whose windows keep rattling.

“What is the city potentially going to do to petition or sue the state government to enforce a moratorium?” Luke Braly asked the council midway through the night.

“We know these faults don’t recognize city boundaries.”

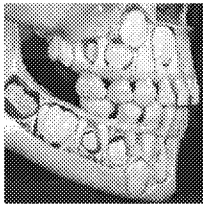
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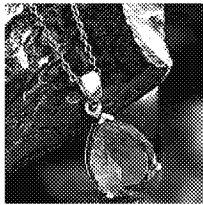
This Chair Folds Down To The Size Of A Beer Can

(Co.Exist)



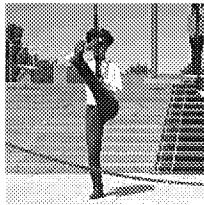
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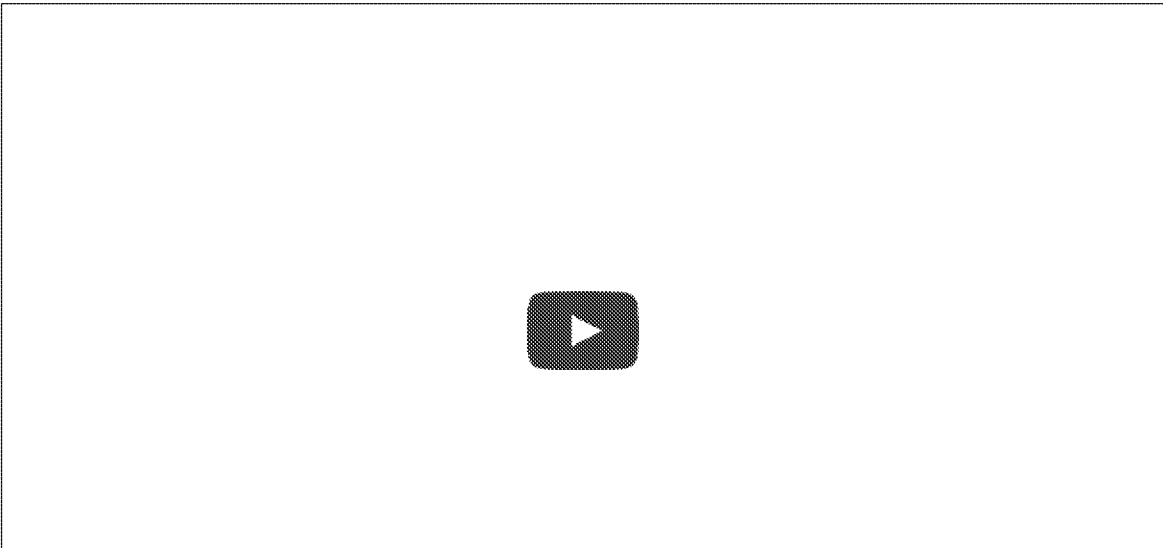
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Jason

16 minutes ago

It amazes me that Irving still allows smoking. You don't realize how nice it is to be in smoke-free area until you unexpectedly find yourself not in one.

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Henry

2 hours ago

Irving: the last bastion of cancerous smoke and the new center of unstable earth.

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David Brown

4 hours ago

ah yes, a public gathering of the people of Irving never fails to disappoint when it comes to entertainment value. wasn't it about a year ago, many of them were demanding that someone 'put a stop to this problem? "well don't you think you better hire someone (an expert)? why? there are enough so called experts on scene and monitoring didn't you hear the words of your own mayor? "there have been no fracking, or wastewater operations occurring in the city in years", yet you still want the council to hire a guy that we can stick in a truck with a little flashing amber light on the roof.. oh I know, we can get a big spotlight and anytime during the night you think you feel one coming on, shine that bright light into the night sky, and summons the "rattlemans" to protect you. hehehehehe who said the was intelligence in the masses

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Everything New Orleans

Motiva, other Shell entities, to pay \$900,000 to settle EPA air pollution charges

motiva-norco.jpg

View of the Motiva Enterprises LLC campus in Norco, which includes Motiva Refining and Shell Chemical. *(Times-Picayune archive)*

Mark Schleifstein, NOLA.com | The Times-Picayune By **Mark Schleifstein, NOLA.com | The Times-Picayune**

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on January 20, 2015 at 5:55 PM, updated January 20, 2015 at 6:10 PM

Motiva Enterprises LLC, which has refinery operations in Norco and Convent, and two other companies affiliated with Shell Oil Co. have agreed to pay \$900,000 to settle Clean Air Act violations alleged by the **Environmental Protection Agency**, agency officials announced Tuesday.

The alleged violations included selling gasoline and diesel fuel that did not conform to federal standards and record-keeping irregularities, according to the agreement. The two other companies are Deer Park Refining Limited Partnership and Equilon Enterprises LLC, which does business as Shell Oil Products U.S.

"Fuel standards established under the Clean Air Act play a major role in controlling harmful air pollution from vehicles and engines," said Cynthia Giles, assistant administrator for EPA's Office of Enforcement and Compliance Assurance, in a news release. "If unchecked, these pollutants can seriously impair the air we breathe, especially during summer months when they can reach higher levels. This settlement makes clear that if companies fail to produce fuels that comply with federal standards, they will be held accountable."

Shell, in a statement, said "Motiva, SOPUS and Deer Park take environmental compliance obligations very seriously and have cooperated fully with the EPA to resolve the issues raised." The company also said that the firms, "strive to operate in compliance with all permits and regulations. Corrective actions have been taken at our facilities to avoid a reoccurrence of these non-compliances."

The violations were discovered during an inspection of Shell-branded retail locations in Virginia in 2007 and 2008, and in four audits of Shell facilities in 2009. The companies also disclosed failures to comply with regulations governing the sale of conventional gasoline in a 2009 letter to EPA and disclosed possible reporting violations at Motiva's Norco refinery in a 2011 letter.

EPA had charged Shell with selling mislabeled diesel fuel -- fuel that was labeled "ultra-low sulfur diesel" that actually was only low sulfur fuel. The agency had said the mislabeled fuel was sold at two gas stations in Northern Virginia. Low sulfur diesel fuel contains up to 500 parts per million of sulfur, while ultra-low

sulfur diesel cannot exceed 15 parts per million.

EPA also alleged that Shell sold more than 4.2 million gallons of gasoline that exceeded a fuel standard for volatility -- the "Reid Vapor Pressure" level -- that is designed to control ground level ozone during the summer. Higher volatility in gasoline produces increased emissions of volatile organic compounds, helping form ozone, which has been linked to a variety of health problems.

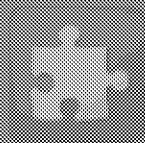
EPA also alleges that Shell distributed about 700,000 gallons of gasoline from its Motiva Sewaren, N.J., terminal containing more ethanol than allowed. Excess ethanol in gasoline can harm emission control components on some vehicles and can harm engines. The high-ethanol fuel was reported by the Reformulated Gasoline Survey Association after it surveyed Shell gas stations in Irvington, N.J., and Staten Island, N.Y.

EPA also said the Shell affiliates failed to follow a variety of protocols for sampling, testing and reporting, as well as record-keeping requirements. Some of those violations were reported to EPA by Shell. Motiva officials also informed EPA in its 2011 letter that the company had failed to keep the results of tests for the "cetane index" of diesel at its Norco Refinery. The cetane index measures the combustion speed for diesel, similar to octane numbers for gasoline.

The settlement agreement said EPA also alleged that Motiva's Norco refinery failed to retain original test results for sulfur testing for a batch of fuel in 2008. The Norco Refinery also is alleged to have improperly included in its calculations for compliance with the conventional gasoline regulations a batch of conventional gasoline that actually was shipped to Mexico.

Also in 2008, Motiva's Convent Refinery transferred a number of batches of conventional gasoline with documents that did not include a statement required by federal law: "This product does not meet the requirements for reformulated gasoline, and may not be used in any reformulated gasoline covered area."

A copy of the settlement agreement between the EPA and three Shell-related companies is below:



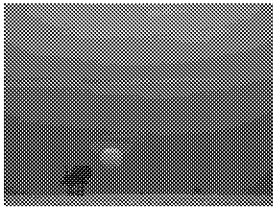
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Production begins at Lucius field in deepwater Gulf

The Associated Press 12:36 p.m. CST January 20, 2015



(Photo: EPA)

HOUMA — A partner in the Lucius oilfield says production has begun in the Gulf of Mexico.

The field in the Keathley Canyon area about 236 miles southwest of Port Fourchon in 7,200 feet of water.

Anadarko Petroleum Corp., the operator, said the facility has the capacity to handle 80,000 barrels of oil and 450 million cubic feet of natural gas per day.

John Christiansen, the company's external communications director, said Lucius is the largest deepwater spar the company has built to date.

There have been and will continue to be thousands of people working with this project, from Finland where it was fabricated to Houma where parts of the topsides were constructed.

"When you begin a project like Lucius, it's one that's going to have lots of benefits in terms of jobs in various areas," Christiansen said. "The shore bases we have in Houma supports a lot of our Gulf of Mexico activity. This does have very deep ties to the Houma community."

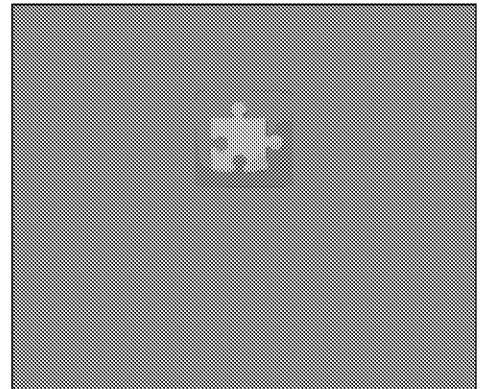
The project is one of the biggest startups expected in the offshore region this year, according to Fuelfix.

The Lucius field is estimated to hold 300 million barrels of oil equivalent.

"Gulf of Mexico continues to be a really important part of our portfolio and a place where we have some competitive advantages," Christiansen said. "The continued development is exciting I think to see the Gulf have the life it's had supporting jobs along the Gulf Coast."

Anadarko holds 23.8 percent operating stake with Freeport at 25.1 percent, ExxonMobil at 23.3 percent, Petrobras with 11.5 percent, INPEX with 7.75 percent and Eni with 8.5 percent. The field was discovered late 2009. The 23,000-ton truss spar arrived in the Gulf of Mexico May 2013.

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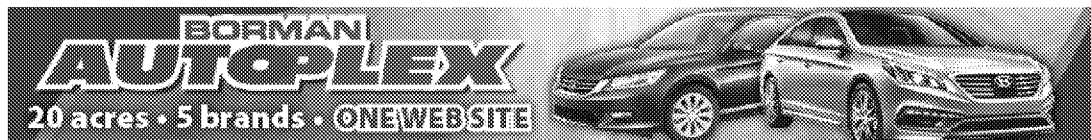
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UE >> A federal judge has overturned a northeastern New Mexico county's effort
natural gas drilling.

James O. Browning's 199-page order released Tuesday declares Mora County's
d.

was enacted in April 2013. It cited environmental concerns and put the county's
rights ahead of business interests and federal and state permits.

y challenged the ordinance in court, contending that the ordinance effectively
tue of the company's \$1 million drilling leases.

far from the oil and gas hotspots in southeastern and northwestern New Mexico,
ordinance sparked industry concern.

aid previously that parts of the ordinance were unconstitutional, but his ruling
ated the entire ordinance.

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Everything New Orleans

BP, feds start fight in New Orleans courtroom over 2010 Gulf of Mexico oil spill fines

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on January 20, 2015 at 3:43 PM, updated January 20, 2015 at 5:31 PM

The U.S. Justice Department urged a federal judge on Tuesday to impose the maximum \$13.7 billion fine on BP for its role in the 2010 Gulf of Mexico oil spill. But attorneys for the oil giant said such a penalty would cause undue harm to the company.

Each side outlined their arguments during opening statements for the third and final phase of the civil trial on the spill, one of the nation's largest environmental disasters.

The three-week trial will determine how much BP and Anadarko Petroleum Corp. **will pay in Clean Water Act fines for the spill.** Anadarko was co-owner of the failed Macondo oil well.

Justice Department Attorney Steve O'Rourke said BP should face from \$11.7 billion to \$13.7 billion in fines for the spill.

"The penalty is going to have to be high enough for companies of this size to even notice, but not so high as to be ruinous to their operations," O'Rourke said.

BP attorney Mike Brock argued for a lower penalty, highlighting BP's role in an unprecedented spill cleanup effort.

Brock said low oil prices and other costs are eroding the value of BP Exploration and Production, or BP XP, the subsidiary that leased and operated the Macondo well. He said that's affecting the company's ability to pay the maximum fine.

"The Justice Department knows BP XP cannot afford a maximum penalty," Brock said.

The April 20, 2010, Deepwater Horizon rig explosion killed 11 men and set off an 87-day oil gusher that affected large parts of the Gulf and coastal areas from Texas to Florida.

The civil trial over the spill began in February 2013 and was split into three phases.

U.S. District Judge Carl Barbier ruled on the first phase this past September, finding BP was "grossly negligent" in the spill and mostly to blame for the disaster. The ruling exposed BP to the highest fine under the Clean Water Act, around \$4,300 per barrel of oil spilled.

The second phase sought to determine the number of barrels of oil spilled. **Barbier ruled last week that 3.19 million barrels of oil were spilled**, capping the company's fine at \$13.7 billion. That's substantially less than the \$18 billion federal prosecutors had sought as the maximum cap.

Arguing for a lower amount than the \$13.7 billion, Brock said BP "spared no expense" in the oil spill response, spending \$16 billion on cleanup and close to \$34 billion for various activities related to the response.

Brock said there is no dispute the oil spill had a significant impact on the region. However, the impact was less than originally feared in 2010 due in part to the company's response, he said.

"There was no collapse of the ecosystem," Brock said.

O'Rourke, the government attorney, said the response effort was the largest of its kind in U.S. history.

"We're not here to say BP did a bad job on its response effort -- they didn't," O'Rourke said.

But he noted BP was required by law to clean up the spill. The fact that BP complied should not lower its penalty, he said, adding that BP and its subsidiary "continue to focus on their own hardships."

Part of the first day's argument hinged on whether Barbier should consider the resources of BP XP alongside those of the much larger parent company, BP PLC.

The Justice Department argued any penalty should consider the substantial capacity of the parent group. BP said the court should consider only BP XP's resources.

In addition, the Justice Department said Anadarko, a co-owner in the Macondo well, should face up to \$3 billion in fines.

O'Rourke said Anadarko's penalty needs to be higher than \$1 billion, the amount Deepwater Horizon rig owner Transocean Ltd. paid to settle its spill claims. Barbier ruled in September that Transocean was 30 percent to blame for the spill.

Anadarko attorney Ky Kirby called comparisons between Transocean and Anadarko "a world-class stretch."

Kirby argued the company was a passive investor and had no oversight of drilling activity at the well, so it was not responsible for the disaster.

"There is no basis for a deterrence-based penalty because Anadarko committed no act that need to be deterred," Kirby said.

The pollution caused by the Deepwater Horizon explosion not only killed wildlife, but disrupted human societies as well, disrupting livelihoods exacerbating economic inequality across the Gulf states, anthropologist Diane Austin testified Tuesday.

She based her findings on interviews with more than 1,300 people -- not only fishermen who derive their living from the Gulf, but bankers and business owners of all kinds. Even florists described a sudden drop in orders after the spill, she said.

Harm was widespread because so much of life along the coast depends on both fishing and energy production, both of which were upended while BP struggled for 87 days to cap the crude gushing from the undersea Macondo well.

"People who work offshore often times also fish," she said. "Grocery stores that provide food to commercial fishing vessels also provide to the offshore oil and gas industry ... When all of these economic sectors went down at the same time, it had a huge effect."

Austin's work was done for the federal Bureau of Ocean Energy Management, which oversees offshore oil and gas extraction. BP attorneys attacked these findings in briefs and were expected to challenge her methodology in court.

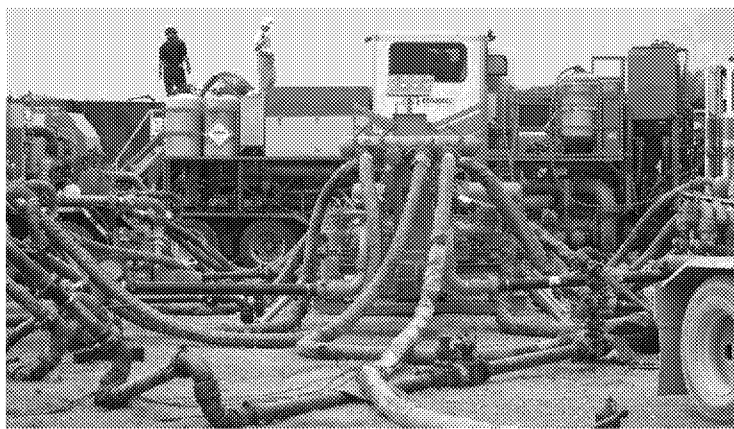
Also on display Tuesday were images of former BP CEO Tony Hayward, who drew widespread criticism for saying "I'd like my life back" long before the disaster was contained, and when memories of the 11 workers killed on the oil rig were still raw.

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Kansas Geological Survey links earthquakes to fracking waste disposal

ASSOCIATED PRESS

01/19/2015 8:58 AM | Updated: 01/20/2015 6:11 AM



Crews “frack” a deep well that runs a mile underground near Medicine Lodge (2011) TRAVIS HEYING / FILE PHOTO

LAWRENCE — The disposal of waste saltwater from hydraulic fracturing could be to blame for a sharp increase in earthquakes in south-central Kansas, according to a geophysicist with the Kansas Geological Survey.

Rick Miller’s comments are the first by a state official to clearly suggest a link between hydraulic fracturing, commonly known as fracking, and the earthquakes that have rattled the area in the last two years, the Lawrence Journal-World reported.

The state recorded more than 120 earthquakes last year, up from none in 2012.

Early Monday morning four earthquakes occurred in southern Kansas and northern Oklahoma. The strongest was a 4.1 on the Richter scale about nine miles east of Cherokee, Okla., at 4:20 a.m. That came less than a half-hour after a 3.9 tremblor struck about seven miles east-northeast of

Anthony in Harper County. Three minutes earlier, another quake struck about seven miles south of Caldwell and measured 2.7 on the Richter scale.

During hydraulic fracturing, a mixture of saltwater and chemicals pumped into the ground to break up rock formations and release oil and gas. Operators then inject the waste water deep into disposal wells.

“We can say there is a strong correlation between the disposal of saltwater and the earthquakes,” Miller said.

Rex Buchanan, director of the Kansas Geological Survey, stressed that it is likely disposal of the waste water, not the fracking itself, which causes seismic movement.

“If someone were to say these earthquakes were caused by fracking, there might be one or two, but there is no evidence for it,” Buchanan said. “The issue of saltwater disposal is completely different.”

A task force appointed a year ago by Gov. Sam Brownback to study the problem said in a report released in September that not enough evidence existed to link the two.

A leader of the Sierra Club Kansas criticized Buchanan and other state officials for their response.

“It is so ridiculous, this issue of semantics,” said Joe Spease, chairman of the Kansas Sierra Club’s fracking committee and owner of a renewable energy company in Overland Park. “There are millions of dollars in property damages happening, and we have our scientists playing word games.”

The Kansas Sierra Club supports imposing a moratorium on fracking until the oil and gas industry develops a plan to deal with saltwater disposal, Spease said.

“If the government and the Kansas Corporation Commission care about the people of Kansas and the damages, they will order a moratorium,” Spease said. “If they only care about the profits of the oil and gas (industry), it will be business as usual. I hope that is not the case.”

State Rep. Tom Sloan, a Lawrence Republican who has served on several Federal Energy Regulatory Commission committees and task forces, said a moratorium would hurt the economy.

“How do you draw the line?” he asked.

“If you don’t allow fracking, you will shut down the entire industry,” he said.

Coal power is going strong despite environmental, economic pressures, CEO says

By ROD WALTON World Business Editor | Posted: Wednesday, January 21, 2015 12:00 am

The coal industry may have a target on its back, but it still produces 40 percent of the nation's electricity, one of the industry's leaders said Tuesday on the University of Tulsa campus.

Cloud Peak Energy CEO Colin Marshall told the TU Friends of Finance crowd that the U.S. may be "losing its competitive edge" along with the economic benefits of low-cost coal-fired generation. Asia is growing faster than America and using coal to power most of its electricity, he noted.

"That graph of Asia is not going to stop anytime soon," Marshall said, speaking beside a PowerPoint showing the growth of power generation in the continent that includes China and India.

America's coal industry is still No. 1 in power generation nationally but has lost its majority status to two factors: 1) the growing abundance of natural gas due to the shale revolution; and 2) what Marshall called "the regulatory thumb on the scale" which penalizes coal power and incentivizes alternative forms such as wind energy.

"It certainly tilts the scale," he said, noting later in his presentation that wind energy producers are allowed permits despite turbines killing eagles.

The federal Environmental Protection Agency certainly is putting pressure on the end users of coal. Tulsa-based AEP-PSO, Oklahoma's second biggest electricity generator, recently agreed to a settlement with the EPA that calls for the shut down of its coal-fired units in Oologah.

Cloud Peak Energy's CEO did not speak about the AEP-PSO settlement nor Oklahoma Gas & Electric's own battles with the EPA. However, he did show a slide illustrating several layers of regulation brought on by the agency in recent decades.

And yet, the EPA is only part of the opposition facing the coal industry, Marshall added. What he



Colin Marshall Friends of Finance MW

Colin Marshall, CEO of Cloud Peak Energy, speaks during the Friends of Finance luncheon at the University of Tulsa in Tulsa, OK, Jan. 20, 2014. MICHAEL WYKE/Tulsa World

called “NGOs,” or nongovernmental organizations, have zeroed in on coal as the biggest doer of all bad things environmentally.

“We’re currently their biggest fundraiser” he said.

Environmentalists tout what they believe is an irrefutable body of evidence indicating that burning of fossil fuels is damaging the atmosphere and creating long-term climate change. Both the weather agency NOAA and space agency NASA agree that 2014 was the hottest year on record.

“Climate change is perhaps the major challenge of our generation,” Michael H. Freilich, director of earth sciences at NASA, one of the agencies that track global temperatures, told the New York Times in a recent story.

Cloud Peak’s Marshall does not deny the temperature change shown by widespread data, although he argued it should have been higher if fossil fuels are the primary culprit. Many scientific models anticipating carbon dioxide impacts are flawed, he said.

“It is not settled,” he said of the science surrounding climate change. “Anyone who says science is settled is doing a disservice to science because it’s always ongoing.”

Some calls for reducing emissions 80 percent by 2050 could be unsettling economically, Marshall added. “I’m not sure I’d be able to fly down here” to Tulsa,” he said.

Cloud Peak Energy is based in Gillette, Wyoming, and employs 1,700 people in offices and mines in that state, Colorado and Montana. The company was the nation’s third-largest coal producer with 86 million tons shipped in 2013.

Asia is Cloud Peak’s fastest-growing export customer, Marshall said.

TU’s Friends of Finance speaker series, which benefits the university’s finance and operations management department, is held nearly every month of the academic year in the Great Hall of the Allen Chapman Student Union.

The next speaker will be Michael Hagedorn, vice chairman of UMB Financial Corp., on Feb. 18.

Top 10 U.S. Coal Producers

| Rank | Company | 2013 production | % of production |
|------|--------------------|-------------------|-----------------|
| 1. | Peabody Energy | 183 million tons | 18.6 |
| 2. | Arch Coal | 130 million tons | 13.2 |
| 3. | Cloud Peak Energy | 86 million tons | 8.7 |
| 4. | Alpha Natural Res. | 85 million tons | 8.6 |
| 5. | Rio Tinto | 62 million tons | 6.3 |
| 6. | Murray Energy | 58.5 million tons | 5.9 |
| 7. | Westmoreland | 51.5 million tons | 5.2 |

8. Alliance Resource*38 million tons 3.9

* denotes Tulsa firm

Statistics from Energy Information Administration

22. AIR POLLUTION:

Oklahomans support plan to cut Texas emissions

Published: Tuesday, January 20, 2015

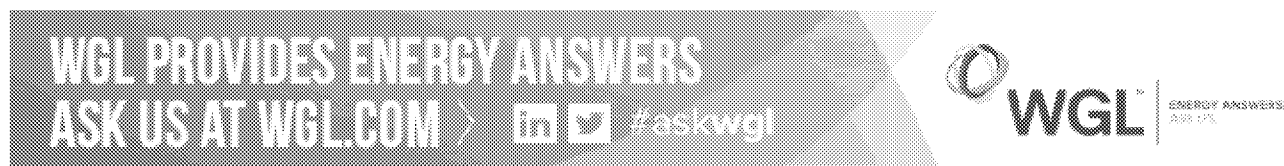
A federal plan to curtail air pollution in Texas that crosses state lines received support last week from Oklahomans attending a public hearing about the proposal.



In November, U.S. EPA released its plan to control emissions from Texas coal plants. Those emissions, according to EPA modeling, cross into Oklahoma and create a view-obscuring haze at the Wichita Mountains National Wildlife Refuge. The haze also affects two national parks in Texas, as well as the Caney Creek Wilderness Area in western Arkansas.


"Oklahoma has a Texas air pollution problem," said Will Cunningham, who lives just north of the Wichita Mountains refuge. "You don't need to be an environmentalist in order to become concerned about pollution from Texas that the prevailing winds bring to us every day."

EPA's plan would require the installation of pollution controls to reduce sulfur dioxide emissions at 14 generating units at seven Texas coal plants. Another plant would need to curb its generation (Paul Monies, *Oklahoman*, Jan. 18). -- AW

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compagnies-

companies penalty

penalty article

Equilon Enterprises LLC doing business as Motiva Enterprises LLC, Shell Oil Products U.S. and Deer Park Refining Limited Partnership.

Most of the allegations concern companies in Texas, New Jersey and Virginia. The allegations in the settlement that include Louisiana facilities are primarily paperwork and documentation problems.

"Motiva, SOPUS and Deer Park take environmental compliance obligations very seriously and have cooperated fully with the EPA to resolve the issues raised," Ray Fisher, Shell spokesman, wrote in an emailed statement. "We strive to operate in compliance with all permits and regulations. Corrective actions have been taken at our facilities to avoid a reoccurrence of these noncompliances."

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- Proposed EPA regulation could knock Baton Rouge, New Orleans out of ozone compliance (<http://theadvocate.com/news/10943782-123/proposed-epa-regulation-could-knock>)
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Oklahoma corporation commissioner: EPA plan could hinder reliable electric service

BY DANA MURPHY • Published: January 21, 2015

The good news is the Environmental Protection Agency has managed to do the unthinkable: bring about broad agreement among the utility industry and many utility regulators. The bad news is that what's getting broad support is the very real concern that the reliable electric service we count on may become a casualty of the EPA's "Clean Power Plan" (CPP).



(/gallery/articleId/5386321/1/pictures/3549789)

Dana Murphy

There is much to be worried about when it comes to the proposal, including its massive costs that would be forced onto ratepayers and its usurping of local control over your electric service. Much has already been written about those concerns. Less publicized is the CPP's potential impact on the reliability of electric service.

According to the EPA, the goal of the CPP is simple: cutting carbon pollution from power plants. When it comes to reliability, the problem is the way the CPP intends to do this. It falls far short of living up to its billing as a "common sense solution" and instead relies on unrealistic goals and near-complete ignorance regarding what's actually involved in generating and transmitting electric power.

Among the problems raised by the regional state committee of the Southwest Power Pool, the regional transmission organization for Oklahoma and six other states:

The EPA plan is based on an inaccurate model of the nation's transmission system.

The assumptions for the EPA's energy efficiency goals are unrealistic, making it doubtful the goals can be achieved.

There may not be enough available material and labor for the effort required to meet the plan's 2020 interim goal.

The CPP would require retiring many of the nation's current generating units without allowing the time needed for replacements.

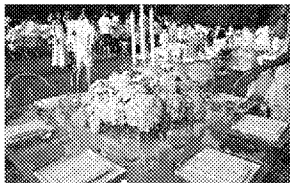
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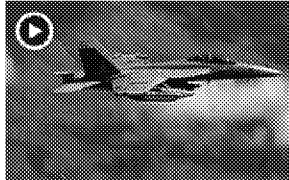


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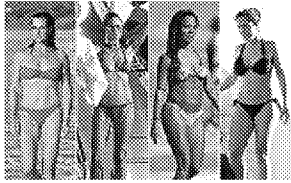


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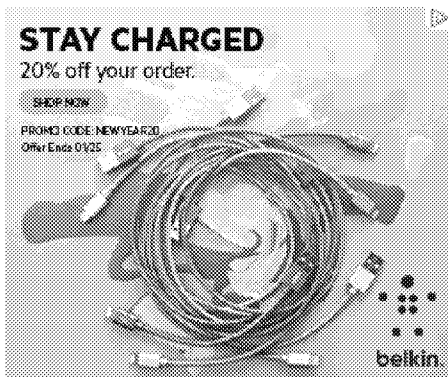
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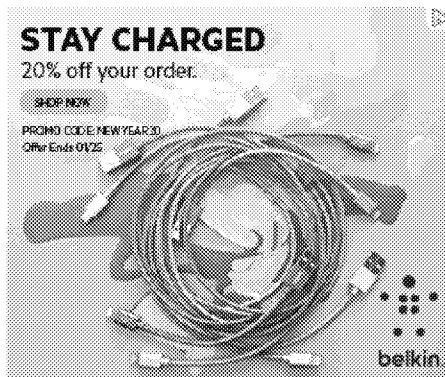
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